



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,171	08/30/2001	Tsutomu Yamazaki	011350-285	6809

7590 10/03/2006

Platon N. Mandros
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, VA 22313-1404

EXAMINER

DESIRE, GREGORY M

ART UNIT	PAPER NUMBER
----------	--------------

2624

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,171

Applicant(s)

YAMAZAKI, TSUTOMU

Examiner

Gregory M. Desire

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 9-14 and 18-22 is/are allowed.
- 6) ☒ Claim(s) 6-8 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/30/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communication filed 7/20/06.

Response to Amendment

2. Applicant's arguments filed 7/20/06, in view of 35 USC 103 have been fully considered but they are not persuasive and are thus maintained. See response to argument below.

Response to Arguments

3. Applicant argues remark page 10 fourth paragraph last line. Claim 6 and 15 do not define rearrangement of character strings to avoid positional overlap. It is the position of the examiner; applicant merely is repeating examiner's explanation. The examiner agrees this feature is not in the claims 6 and 15.
4. Applicant argues remark page 11 lines 4-5, Tani does not disclose anything about converting the contents of documents to identify different drawings. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The rejection is based on the combination Tani and Kodaira. As to the specific feature of converting the contents of documents to identify different drawings the combination of

Art Unit: 2624

Tani and Kodaira discloses said features. Tani discloses first and second caption groups and converting to a third caption group (note fig. 33a, A and B are first and second caption groups and edit mode converts to a combined third group). Kodaira discloses extracted drawing captions from documents (note fig. 9, 504 and fig. 26, 604, showing different drawings). Therefore, the combination of Tani and Kodaira discloses the feature converting the contents of documents to identify different drawings.

5. Applicant argues remark page 11 lines 7-8, Kodaira does not disclose converting the contents to identify different drawings. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The rejection is based on the combination Tani and Kodaira. As to the specific feature of converting the contents of documents to identify different drawings the combination of Tani and Kodaira discloses said features. Tani discloses first and second caption groups and converting to a third caption group (note fig. 33a, A and B are first and second caption groups and edit mode converts to a combined third group). Kodaira discloses extracted drawing captions from documents (note fig. 9, 504 and fig. 26, 604, showing different drawings). Therefore, the combination of Tani and Kodaira discloses the feature converting the contents of documents to identify different drawings.

Art Unit: 2624

6. Applicant argues remark page 11 lines 9-10, Tani and Kodaira do not disclose the conversion means claim 6 and 15. This argument is not persuasive because it is the position of the examiner the prior art does disclose the conversion means of claims 6 and 15. The combination of Tani and Kodaira teaches conversion means of claims 6 and 15. Tani discloses first and second caption groups and converting to a third caption group (note fig. 33a, A and B are first and second caption groups and edit mode converts to a combined third group). Kodaira discloses extracted drawing captions from documents (note fig. 9, 504 and fig. 26, 604, showing different drawings). Therefore, the combination of Tani and Kodaira discloses the feature conversion means of claims 6 and 15.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6-8 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tani et al (4,627,707) in view of Kodaira et al (6,043,823).

Regarding apparatus claims 6 Tani discloses,

A receiving unit (document feeder, not fig. 1 col. 4 lines 60-62) for receiving first document image data and second document data obtained by reading respectively a first document and second document each having document data (note col. 5 lines 30-35, shows first and second document image).

An extraction means for extracting a first caption group for identifying the document data contained in the first document (note col. 16 lines 1-3, areas (caption) extracted from first document) and a second caption group for identifying the document data contained in the second document (note col. 16 lines 3-4, areas (caption) extracted from second document).

A conversion means for converting the first caption group and the second caption group into a third caption group so that a character string in the first caption group does not overlap a character string in the second caption group (note col. 16 lines 9-14, editing facilitating rearrangement of combined areas from first and second document, wherein area of first document is inserted between areas of first document, examiner interprets as converting caption group so that character string do not overlap, the caption are in a page where neither caption group overlap thus content within the group, i.e. character string also, do not overlap and fig. 33a edit mode). Tani does not clearly disclose document data having at least one drawing. Kodaira discloses document data having at least one drawing (note fig. 9, block 504 in connection with col. 12 lines 1-2, drawing region is recognized and fig. 26, block 604). Tani and Kodaira are combinable because they extract document data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include drawing area as the caption

Art Unit: 2624

region in the function taught in Tani as described in Kodaira. The suggestion/motivation for doing so would have been independently extract and store various document data (note Kodaira, col. 1 lines 40-45). Therefore, it would have been obvious to combine Tani with Kodaira to obtain the invention as specified in claim 6.

Regarding apparatus claims 7 Tani discloses,

Said conversion means further converts character strings contained in the first document and second document, which are identical to character strings that belong to the first caption group and the second caption group, into character strings that belong to the third caption group (note fig. 29d composite image shows data of third caption group) Tani does not clearly disclose document data having at least one drawing having character string. Kodaira discloses document data having at least one drawing having character string (note fig. 9, block 504 in connection with col. 12 lines 1-2, drawing region is recognized). Tani and Kodaira are combinable because they extract document data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include drawing area having character string as the caption region in the function taught in Tani as described in Kodaira. The suggestion/motivation for doing so would have been independently extract and store various document data (note Kodaira, col. 1 lines 40-45). Therefore, it would have been obvious to combine Tani with Kodaira to obtain the invention as specified in claim 7.

Regarding apparatus claims 8 Tani and Kodaira discloses,

Said extraction means recognizes a character string appended in the vicinity of the drawing as caption based on positional information of the drawing character string (note Kodaira fig. 8 and 9, block 504).

Regarding apparatus claims 15 Tani discloses,

A receiving unit (document feeder, not fig. 1 col. 4 lines 60-62) for receiving first document image data and second document data obtained by reading respectively a first document and second document each having document data (note col. 5 lines 30-35, shows first and second document image).

An extraction means for extracting a first caption group for identifying the document data contained in the first document (note col. 16 lines 1-3, areas (caption) extracted from first document) and a second caption group for identifying the document data contained in the second document (note col. 16 lines 3-4, areas (caption) extracted from second document).

A conversion unit that is adapted to convert the first caption group and the second caption group into a third caption group so that a character string in the first caption group differs from a character string in the second caption group (note col. 16 lines 9-14, editing facilitating rearrangement of combined areas from first and second document, wherein area of first document is inserted between areas of first document, examiner interprets as converting caption group created from composite captions cause the composite caption to differ from a single caption). Tani does not clearly disclose document data having at least one drawing. Kodaira discloses document data having at

least one drawing (note fig. 9, block 504 in connection with col. 12 lines 1-2, drawing region is recognized). Tani and Kodaira are combinable because they extract document data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include drawing area as the caption region in the function taught in Tani as described in Kodaira. The suggestion/motivation for doing so would have been independently extract and store various document data (note Kodaira, col. 1 lines 40-45). Therefore, it would have been obvious to combine Tani with Kodaira to obtain the invention as specified in claim 6.

Regarding apparatus claims 16 Tani discloses,

Said conversion means further converts character strings contained in the first document and second document, which are identical to character strings that belong to the first caption group and the second caption group, into character strings that belong to the third caption group (note fig. 29d composite image shows data of third caption group) Tani does not clearly disclose document data having at least one drawing having character string. Kodaira discloses document data having at least one drawing having character string (note fig. 9, block 504 in connection with col. 12 lines 1-2, drawing region is recognized). Tani and Kodaira are combinable because they extract document data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include drawing area having character string as the caption region in the function taught in Tani as described in Kodaira. The suggestion/motivation for doing so would have been independently extract and store various document data

Art Unit: 2624

(note Kodaira, col. 1 lines 40-45). Therefore, it would have been obvious to combine Tani with Kodaira to obtain the invention as specified in claim 7.

Regarding apparatus claims 17 Tani and Kodaira discloses,

Said extraction means recognizes a character string appended in the vicinity of the drawing as caption based on positional information of the drawing character string (note Kodaira fig. 8 and 9, block 504).

Allowable Subject Matter

9. Claims 1-5, 9-14 and 18-22 are allowed.

10. The following is an examiner's statement of reasons for allowance for independent claims 1, 4, 12, 18 and 21. The prior art fails to disclose changing unit first document and second document so that the recognized page numbers/ drawing number do not overlap and the printing of an image based on the changed first and second documents. These features in combination with other features are not taught in the claims. Claims 2-3, 5, 13-14, 19-20 and 22 depend on claims 1, 4, 12, 18 and 21. Therefore are also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (571) 272-7449. The examiner can normally be reached on M-F (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory M. Desire
Examiner
Art Unit 2624



G.D.
October 2, 2006